

REMARKS

This Application has been carefully reviewed in light of the Final Office Action mailed August 23, 2010. All pending Claims 1-33 were rejected in the Final Office Action. Applicants respectfully request reconsideration and allowance of all pending claims, in view of the following remarks.

Rejections under 35 U.S.C. §103

Independent Claims 1, 16, 17, and 19 were rejected under 35 U.S.C. §103(a) as being unpatentable over *Buchsbaum* (U.S. 7,161,934) in view of *Sawaichi* (JP 2002-288353) and further in view of *Billmaier* (U.S. 7,380,260).

In order to establish a prima facie case of obviousness, the references cited by the Examiner must disclose all claimed limitations. *In re Royka*, 490 F.2d 981, 180 U.S.P.Q. 580 (C.C.P.A. 1974). Even if each limitation is disclosed in a combination of references, however, a claim composed of several elements is not proved obvious merely by demonstrating that each of its elements was, independently, known in the prior art. *KSR Int'l. Co. v. Teleflex Inc.*, 127 S.Ct. 1727, 1741 (2007). Rather, the Examiner must identify an apparent reason to combine the known elements in the fashion claimed. *Id.* "Rejections on obviousness grounds cannot be sustained by mere conclusory statements; instead, there must be some articulated reasoning with some rational underpinning to support the legal conclusion of obviousness." *Id.*, citing *In re Kahn*, 441 F.3d 977, 988 (Fed. Cir. 2006). Finally, the reason must be free of the distortion caused by hindsight bias and may not rely on ex post reasoning. *KSR*, 127 S.Ct. at 1742. In addition, evidence that such a combination was uniquely challenging or difficult tends to show that a claim was not obvious. *Leapfrog Enterprises, Inc. v. Fisher-Price, Inc. and Mattel, Inc.*, 485 F.3d 1157, 1162 (Fed. Cir. 2007), citing *KSR*, 127 S.Ct. at 1741.

The Examiner previously rejected the independent claims based on *Buchsbaum*, *Billmaier*, and *Newnam* (U.S. Patent Application Publication No. 2002/0133405). (February 2, 2010 Office Action). In response, Applicants amended the claims and provided arguments to distinguish from *Buchsbaum*, *Billmaier*, and *Newnam*. The Examiner now rejects the independent claims based on *Buchsbaum*, *Billmaier*, and *Sawaichi*. In particular,

the Examiner alleges that *Sawaichi* fills in the gaps that are (as acknowledge by the Examiner) left by the teachings of *Buchsbaum, Billmaier*. Applicants disagree and submit that *Sawaichi* does not fill in these acknowledged gaps.

The Examiner cited paragraphs 0002-0010 and Figure 8 of *Sawaichi* as teaching certain features recited in the independent claims. Applicants were unable to locate an English-language equivalent of *Sawaichi*, and thus ordered a professional translation of paragraphs 0002-0010 and Figure 8. A copy of that translation, referred to below as the “*Sawaichi* Translation” is submitted in an IDS filed along with the present Response to Final Office Action. In view of the translation, Applicants submit that *Sawaichi* does not teach the features alleged by the Examiner.

For example, the Examiner alleges that *Sawaichi* teaches “displaying the information transmission received via the satellite at a display device of the remote data processing equipment, including displaying both (a) the satellite-transmitted real-time video stream and (b) the satellite-transmitted non-video data.” (Final Office Action, page 4). According to the Examiner, “the claimed *non-video data* is interpreted to be *Sawaichi*’s digital data.” (Id.)

However, *Sawaichi* explicitly teaches that its digital data is *not displayed*, but rather stored in memory. *Sawaichi* teaches encoding, encrypting, and digitizing video images of a lecture, and then transmitting this digital data via radio wave to classrooms 3. (*Sawaichi* Translation, paragraph 4). When the digital data is received at a classroom 3, the video data is extracted and displayed on a TV screen, whereas the digital data is stored in memory: “**The extracted image information is shown on the television screen whereas the digital data is stored in the information processing device 9.**” (*Sawaichi* Translation, paragraph 5; emphasis added). The relevant claimed feature requires “*displaying both* (a) the satellite-transmitted real-time video stream and (b) *the satellite-transmitted non-video data.*” Thus, because *Sawaichi*’s digital data is explicitly *not displayed*, it cannot be equated with the claimed satellite-transmitted non-video data.

As another example, the Examiner alleges that *Sawaichi* teaches “receiving via a user input of the remote data processing equipment user interaction with the satellite-transmitted non-video data displayed at the display device of the remote data processing equipment.”

(Final Office Action, page 4). According to the Examiner, “the claimed *user input* is being interpreted to be the Sawaichi’s participant camera.” (Id.)

However, as discussed above, *Sawaichi* does not teach the claimed “satellite-transmitted non-video data.” Thus, logically, *Sawaichi* cannot teach *user interaction* with satellite-transmitted non-video data. Further, even assuming for the sake of argument that *Sawaichi*’s “digital data” could be equated with the claimed non-video data, *Sawaichi* does not teach any *user interaction* with this digital data. The Examiner alleges that *Sawaichi*’s participant camera provides for the claimed *user input*. However, *Sawaichi*’s participant camera allows students to interact with the *video data* from other participant cameras: “each student can view the lecture image information including the student image information and it can also establish the conversation amongst the students.” (*Sawaichi* Translation, paragraph 7). *Sawaichi*’s participant camera certainly does not provide for any student interaction with the alleged “non-video data” of *Sawaichi*, as the alleged “non-video data” -- i.e., *Sawaichi*’s “digital data” -- is ***not even displayed*** to the students, as discussed above.

As another example, the Examiner alleges that *Sawaichi* teaches “transmitting the user interaction with the satellite-transmitted non-video data from the remote data processing equipment to the production studio via the non-satellite connection” (Final Office Action, page 4). However, *Sawaichi* clearly cannot teach “transmitting the user interaction with the satellite-transmitted non-video data” because *Sawaichi* does not teach any user interaction with the satellite-transmitted non-video data, as discussed above.

Thus, for at least the various reasons set forth above, Applicants respectfully submit that independent Claim 1 is clearly distinguished from *Buchsbaum*, *Sawaichi*, and *Billmaier*. Accordingly, Applicants request reconsideration and allowance of independent Claim 1, as well as all claims that depend therefrom. Also, for similar reasons, Applicants request reconsideration and allowance of independent Claims 16, 17, and 19, as well as all claims that depend therefrom.

All Dependent Claims are Allowable.

Dependent Claims 2-3, 5-7, 21, and 23-25 were rejected under 35 U.S.C. §103(a) as being unpatentable over *Buchsbaum* (U.S. 7,161,934) in view of *Sawaichi* (JP 2002-288353) and further in view of *Billmaier* (U.S. 7,380,260).

Dependent Claims 4, 8-15, 18, 20, 22, and 26-33 were rejected under 35 U.S.C. §103(a) as being unpatentable over *Buchsbaum* in view of *Sawaichi* and further in view of *Billmaier* and further in view of *Newnam* (U.S. 2002/0133405).

Applicants submit that all dependent claims are allowable at least because they depend from the independent claims shown above to be allowable. Further, *Newnam* fails to teach the features of the independent claims not taught by *Buchsbaum*, *Sawaichi*, and *Billmaier*. Further, Applicants do not concede that any of the proposed combinations of references are legally proper. Thus, for at least these reasons, Applicants respectfully request reconsideration and allowance of all pending dependent claims..

CONCLUSION

Applicants have now made an earnest effort to place this case in condition for allowance in light of the remarks set forth above. Applicants respectfully request reconsideration of all pending Claims.

Applicants believe there are no fees due at this time. However, the Commissioner is hereby authorized to charge any fees necessary or credit any overpayment to Deposit Account No. 50-4871 of King & Spalding L.L.P.

If there are any matters concerning this Application that may be cleared up in a telephone conversation, please contact Applicants' attorney at 512.457.2030.

Respectfully submitted,
KING & SPALDING L.L.P.
Attorney for Applicants



Eric M. Grabski
Reg. No. 51,749

Date: 10 / 7 / 10

SEND CORRESPONDENCE TO:
KING & SPALDING LLP
CUSTOMER ACCOUNT NO. **86528**
512.457.2030
512.457.2000 (fax)